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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. 2:20-mj-00224-BNW

Plaintiff,

Stipulation to Extend Deadlines to Conduct Preliminary Hearing and File Indictment (Second Request)

ANTHONY RIOS,

Defendant.

IT IS HEREBY STIPULATED AND AGREED, by and between Christopher [REDACTED], Acting United States Attorney, and Andrew W. Duncan, Assistant United States [REDACTED] Attorney, counsel for the United States of America, and Jawara Griffin, counsel for defendant Anthony Rios, that the Court vacate the preliminary hearing scheduled for July 1, at 3:00 p.m. and reschedule the hearing for a date and time convenient to this [REDACTED], but no sooner than 30 days from the currently scheduled date. This request requires the Court extend two deadlines: (1) that a preliminary hearing be conducted within 21 days of a released defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 14 days of a defendant's arrest, *see* 18 U.S.C. (b).

This stipulation is entered into for the following reasons:

1 1. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the
2 preliminary hearing within a reasonable time, but . . . no later than 21 days [after the initial
3 appearance] if [the defendant is] not in custody”

4 2. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a
5 showing of good cause—taking into account the public interest in the prompt disposition of
6 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
7 times”

8 3. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
9 information or indictment charging an individual with the commission of an offense shall be
10 filed within thirty days from the date on which such individual was arrested or served with a
11 summons in connection with such charges. If an individual has been charged with a felony
12 in a district in which no grand jury has been in session during such thirty-day period, the
13 period of time for filing of the indictment shall be extended an additional thirty days.”

14 4. Moreover, the parties have entered into negotiations in an attempt to
15 promptly resolve this case and reduce the judicial and government resources required by
16 this case. The defense requires additional time to adequately advise Defendant regarding
17 any plea negotiations.

18 5. The additional time requested herein is not sought for the purposes of delay,
19 but to allow counsel for Defendant sufficient time to effectively and thoroughly research and
20 prepare and to determine whether to proceed with a preliminary hearing and indictment or
21 to resolve this case through negotiations.

22 6. Accordingly, the parties jointly request that the Court schedule the
23 preliminary hearing in this case no sooner than 30 days from the currently scheduled date.

7. Defendant is in federal custody, agrees to the extension of the 21-day deadline imposed by Rule 5.1(c) and the deadline imposed by 18 U.S.C. § 3161(b), waives any right to remedies under Rule 5.1(c) or 18 U.S.C. § 3161(b), and requests that the time between Defendant's initial appearance on June 4, 2021, and the rescheduled preliminary be excluded in computing the time within which an information or indictment must be filed under 18 U.S.C. §3161(b).

8. The parties agree to the extension of these deadlines.

9. Accordingly, the additional time requested by this stipulation is (a) allowed under Federal Rule of Criminal Procedure 5.1(d); and (b) excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

10. This is the first request for an extension of the deadlines by which to conduct the preliminary hearing and to file an indictment.

DATED this 1st day of July, 2021.

Respectfully submitted,

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ Jawara Griffin
JAWARA GRIFFIN, ESQ.
Counsel for Defendant
ANTHONY RIOS

/s/ Andrew W. Duncan
ANDREW W. DUNCAN
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:20-mj-00224-BNW

Plaintiff,

[Proposed] Order on Stipulation to Continue Preliminary Hearing and Deadline to Indict Defendant

ANTHONY RIOS,

Defendant.

Based on the stipulation of counsel, good cause appearing, and the best interest of
the person being served; the time requested by this stipulation being excludable in computing
the time within which the defendant must be indicted and the trial herein must commence
in accordance to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of
Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for July 6, 2021 at the hour of 3:00 p.m., be vacated and continued to August 10, 2021 at 2:00 PM.

DATED this 2nd day of July, 2021.

Frank Wetzel

HONORABLE BRENDA N. WEKSLER
UNITED STATES MAGISTRATE JUDGE